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10/596,659	06/20/2006	Michael E. Hannington	AVERP3187WOUS	8910
48556 7590 11/25/2008 RENNER, OTTO, BOISSELLE & SKLAR, LLP (AVERY) 1621 EUCLID AVE 19TH FL CLEVELAND, OH 44115-2191				
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/596,659

Filing Date: June 20, 2006

Appellant(s): HANNINGTON, MICHAEL E.

\_\_\_\_\_  
Armand P. Boisselle  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed October 17, 2008 appealing from the Office action mailed September 19, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

WO 01/81080 A1

HANNINGTON et al.

11-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1 – 21 and 55 – 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Hannington et al. (WO 01/81080 A1).

Hannington et al. disclose an adhesive article (Claim 1, line 1) comprising: a release liner comprising a release surface (Claim 1, lines 2 and 3), a molding layer (Claim 1, line 2) and a second surface (Claim 1, lines 2 and 3); a continuous layer of adhesive having a first surface, a second surface and end edges (Claim 1, lines 7 - 9), wherein the first surface of the adhesive is adhered to the release surface of the release liner (Claim 1, lines 7 - 9); a first pattern of first non-adhesive material forms having a first surface and a second surface (Claim 1, lines 4 - 5); and a second pattern of second non-adhesive material forms having a first surface and a second surface (Claim 22, lines 1 - 4), wherein the second pattern partially overlaps the first pattern (Page 8, Paragraph 30); at least one of the first and second patterns is at least partially embedded in the release surface and molding layer of the release liner (Claim 1, line 6); the first surface of each of the two patterns is in contact with the release surface of the release liner (Claim 1, line 6), the second surface of each of the two patterns is in contact with the adhesive layer (Claim 1, lines 7 - 9); and the first surface of at least a portion of the first pattern of non-adhesive material forms is in a plane that is different from the plane of the first surface of at least a portion of the second pattern of non-adhesive material forms (Page 8, Paragraph 30) in claim 1. As in claims 2, each of the non- adhesive material forms independently has an average thickness of about 30 nanometers to about 100  $\mu\text{m}$  (Page 8, Paragraph 30). With regard to claim 3, each of the non-adhesive material forms independently has an average thickness of about 3  $\mu\text{m}$  to about 30  $\mu\text{m}$  (Page 8, Paragraph 30). Regarding claim 4, each pattern of non- adhesive material forms

independently is applied by printing, vacuum metallization or sputtering (Claim 6). As in claim 5, at least one of the non- adhesive materials independently comprises at least one printing ink, UV curable ink or coalescing ink (Claims 15 – 17). With regard to claim 6, each pattern of non- adhesive material forms independently comprises a plurality of dots, lines or combinations thereof (Page 8, Paragraph 30). Regarding claim 7, each pattern of non- adhesive material forms independently comprises a plurality of lines having an average width of from about 12  $\mu\text{m}$  to about 250  $\mu\text{m}$  and an average thickness of from about 30 nanometers to about 100  $\mu\text{m}$  (Page 8, Paragraph 30). With regard to claim 8, the each pattern of non- adhesive material forms independently comprises a plurality of lines, and wherein at least 50% of the lines intersect the end edges of the adhesive layer (Claim 25). As in claim 9, each pattern of non-adhesive material forms comprises a plurality of non-intersecting lines, and wherein the lines from the first pattern and the lines from the second pattern intersect to form a grid pattern (Page 8, Paragraph 30). Regarding claim 10, the adhesive layer comprises a pressure sensitive adhesive or a heat-activated adhesive (Claims 23 and 24). With regard to claim 11, at least one of the first and second non-adhesive material comprises a porous non-adhesive material (Claim 18). As in claim 12, the porous non-adhesive material comprises an elastomer (Claim 19). As in claim 13, the adhesive is a pressure sensitive adhesive (Claim 23). Regarding claim 14, the release surface of the release liner has a textured or matte surface (Claims 11 and 12). With regard to claim 15, the first surface of the adhesive layer has a textured surface that is complementary to the textured surface of the release liner (Page 13, Paragraph 41). As in claim 16, the release surface of the release liner has a Sheffield roughness of at least about 50 (Claim 10). Regarding claim 17, the article further comprising a facestock adhered to the second surface of the adhesive layer (Claim

2). With regard to claim 18, the article further comprising a second release liner adhered to the second surface of the adhesive layer (Claim 26). As in claim 19, the second surface of the release liner has a release coating thereon (Claim 27). Regarding claim 20, the article further comprising a facestock having a first and second surface wherein the first surface is in contact with the second surface of the adhesive layer and a second adhesive layer having a first and second surface wherein the first surface of the second adhesive layer is in contact with the second surface of the facestock (Claims 28 and 29). With regard to claim 20, the article further comprising a second release liner adhered to the second surface of the second adhesive layer (Claim 26). Hannington et al. also disclose an adhesive article (Claim 1) comprising: a continuous layer of adhesive having a first surface, a second surface and end edges (Claim 1, lines 7 – 9), and a first pattern of first non-adhesive material forms (Claim 1, lines 4 and 5) and a second pattern of second non-adhesive material forms wherein the second pattern partially overlaps the first pattern (Claim 22); at least one of said first and second patterns is at least partially embedded in the first surface of the adhesive layer (Claims 1 and 22); each of said first and second patterns has an exposed first surface and an opposite second surface that is in contact with the adhesive (Claims 1 and 22); the first surface of at least a portion of the first pattern of non-adhesive forms is in a plane that is different from the plane of the first surface of at least a portion of the second pattern of non-adhesive forms (Claims 1 and 22); and at least a portion of the first pattern protrudes from the first surface of the adhesive layer (Claims 1 and 22) as in claim 55. As in claim 56, the article further comprising a facestock adhered to the second surface of the adhesive layer (Claim 2). With regard to claim 57, the article further comprising a release liner adhered to the second surface of the adhesive layer (Claim 26).

**(10) Response to Argument**

Appellants argue that the reference does not teach or suggest a first pattern of a first non-adhesive material forms and a second pattern of second non-adhesive material forms wherein the second pattern partially overlaps the first pattern and at least a portion of the first surfaces of the two patterns are in a different plane. Appellants further argue that Hannington et al. do not teach or suggest a combination of two patterns where each pattern is a plurality of non intersecting lines wherein the lines from the first patterns and the lines from the second pattern intersect to form a grid, and the first surface at least a portion of the lines of the first pattern is a plane that is different from the plane of the first surface at least a portion of the second pattern.

In response to Appellants' argument that the reference does not teach or suggest a first pattern of a first non-adhesive material forms and a second pattern of second non-adhesive material forms wherein the second pattern partially overlaps the first pattern and at least a portion of the first surfaces of the two patterns are in a different plane, Hannington et al. clearly states that combinations of patterns may be used. The example listed in Paragraph 30 is the combination of a grid of intersecting lines with random or patterned dots. Hannington et al. also states that the lines and dots may vary in size and have a thickness varying between  $0.3\mu$  to  $100\mu$  (Page 8, Paragraph 30), which would allow to different plans to be present between the two patterns.

In response to Appellants' argument that Hannington et al. do not teach or suggest a combination of two patterns where each pattern is a plurality of non intersecting lines wherein the lines from the first patterns and the lines from the second pattern intersect to form a grid, and the first surface at least a portion of the lines of the first pattern is a plane that is different from the plane of the first surface at least a portion of the second pattern, Hannington et al. clearly states in paragraph 8 that a pattern is made up of a grid of intersecting lines. The parallel running lines would be the first pattern and the perpendicular lines would be the second pattern. Hannington et al. also states that the lines and dots may vary in size and have a thickness varying between  $0.3\mu$  to  $100\mu$  (Page 8, Paragraph 30), which would allow to different plans to be present between the two patterns.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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